

1 Q Has it been redrafted since 1992?

2 A I have reviewed it and, and did renew -- excuse me,
3 did remove a few things that, that I was not absolutely
4 certain of.

5 Q Has it been reformatted?

6 A It was reformatted, yes.

7 Q Do you have the prior draft?

8 A Do I personally have the prior draft? I have a
9 copy.

10 Q Does anyone else have the prior draft?

11 A Counsel has it.

12 Q Do you know why it wasn't turned over in response to
13 document production?

14 MR. HOWARD: Objection, Your Honor. It wasn't -- It
15 was work product in preparation for testimony -- within the
16 scope of the document production.

17 MS. SCHMELTZER: Your Honor, this was not identified
18 as work product in response to our motion for production of
19 documents.

20 JUDGE SIPPEL: It was supposed to be identified,
21 wasn't it, any privileged documents?

22 MR. HOWARD: I don't think so, Your Honor.

23 MS. SCHMELTZER: Yes.

24 MR. HOWARD: These were, these were documents that
25 she, that she prepared in anticipation of litigation. And

1 your order talked about a business record. This is not a
2 business record, this is a document that's being produced. So
3 it was not within the scope of your order, Your Honor, as we
4 understood it. For example, the, the notes that we did in
5 terms of preparing, the draft that we did of, of -- This is
6 draft, this is drafts of exhibits, Your Honor.

7 JUDGE SIPPEL: Well, was it -- Was this -- Give me
8 the -- Ms. Barr, give me the sequence of events again in terms
9 of when things were documented. And, and how did -- And when
10 were you informed by counsel to document this information?

11 THE WITNESS: I was asked by counsel, I don't
12 remember the exact date but I believe it was in the summer of
13 1992, to gather together information pertaining to the
14 ascertainment interviews, and I spoke to the people I
15 mentioned earlier and asked them for their calendars and we
16 went over them individually to review what they had done. And
17 I put it in the format for counsel that they had given to me.
18 And then it was --

19 JUDGE SIPPEL: That they had given. Do you mean the
20 format that they had given to you?

21 THE WITNESS: Just a format, just indicating what
22 information would be necessary, the date, the person, their
23 title, what issue was discussed, what resulted as, as --
24 programming-wise as a result of that issue.

25 JUDGE SIPPEL: All right. And then from that format

1 the, the exhibit was prepared?

2 THE WITNESS: Yes.

3 JUDGE SIPPEL: And your objection is you didn't get
4 the format?

5 MS. SCHMELTZER: We didn't get --

6 JUDGE SIPPEL: The formatted information?

7 MS. SCHMELTZER: We -- Yeah, we didn't get the -- It
8 wasn't even identified as existing and then a privilege
9 claimed of some sort.

10 JUDGE SIPPEL: Well, it's -- the way that's
11 described to me, if that's -- and this witness is testifying
12 with recollection as to what had happened, I certainly would
13 not require that to be turned over. I mean, that was clearly
14 work product.

15 MS. SCHMELTZER: But then it should have been
16 identified.

17 JUDGE SIPPEL: Well, maybe it should have been
18 identified, but identified now. I could go back and see how
19 did I -- Did I include a general instruction in my prehearing
20 order?

21 MS. SCHMELTZER: Yes, you did, Your Honor. Well,
22 actually, it was in --

23 JUDGE SIPPEL: Yeah, that's where it is, 93-94. All
24 right, perhaps, perhaps it should have been identified, but it
25 wasn't. And now I'm satisfied that it was work product. So

1 we'll go from there. She formatted it, she told you how she
2 did format it. Did you ask for the calendars from these
3 individuals?

4 MS. SCHMELTZER: We have the -- We have, we have
5 calendars from Ms. Barr, Mr. Kleiner, and Ms. Velleggia.

6 JUDGE SIPPEL: All right. So you have everything --

7 MS. SCHMELTZER: Right.

8 JUDGE SIPPEL: -- that went into the formatted --

9 MS. SCHMELTZER: Well --

10 JUDGE SIPPEL: -- version except for Covington?

11 MS. SCHMELTZER: Yeah.

12 BY MS. SCHMELTZER:

13 Q You referred to some handwritten notes that
14 Ms. Covington had.

15 A Yes.

16 Q What did you do with those handwritten notes?

17 A I threw them away.

18 Q When did you throw them away?

19 A In the summer of 1992.

20 Q How do you know you threw them away in the summer of
21 1992?

22 A Well, Janet Covington was -- had been at the station
23 for a very long time and did everything longhand, and her
24 handwriting, to be polite, was difficult to read. I had
25 gotten used to being able to read it, but I didn't -- it never

1 occurred to me at the time that I would need this or that
2 anybody would even be able to decipher the way in which she
3 scribbled things on paper. So after discussing them with her
4 and going over what I needed and pulling it out for this
5 document, I then saw no further need for them so I did not
6 keep the notes.

7 Q When you say you did not keep them, did you give
8 them back to Ms. Covington or --

9 A No, I, I --

10 Q -- you just tossed them away?

11 A I threw them in the wastebasket.

12 Q And you didn't think that you should preserve them?

13 A It never occurred to me.

14 Q Did you consult with anybody before you threw them
15 away?

16 A No, because it didn't occur to me.

17 JUDGE SIPPEL: This is when you were doing the
18 formatted write-up for the attorneys?

19 THE WITNESS: Right. I kept the calendars. What I
20 had from Ms. Covington was just notes. I went back to her
21 much later, at the request of counsel, to ask her for her
22 actual calendar from which she had pulled these notes.
23 Unfortunately, she had been -- she had done some housecleaning
24 or something. She had -- She threw it away or she could not,
25 she could not find it. I asked her to go back and look for it

1 twice and she could never locate it, the actual calendar.

2 JUDGE SIPPEL: The calendar -- She could never
3 locate the calendar?

4 THE WITNESS: No, she, she, she had the calendar --

5 JUDGE SIPPEL: Oh.

6 THE WITNESS: -- because that's how she had
7 originally given me these notes. She never actually gave me
8 her calendar. She used her calendar in order to provide me
9 with these notes.

10 JUDGE SIPPEL: What did you ask her for?

11 THE WITNESS: Originally?

12 JUDGE SIPPEL: Yes.

13 THE WITNESS: Originally, I asked her for her
14 calendar. And when she asked me why, I explained what was
15 going on and that I needed to know what interviews she had
16 conducted. And she said to me I better write it out for you
17 because you'll never be able to decipher my calendar. So she
18 wrote me these handwritten notes which indicated the date
19 and --

20 JUDGE SIPPEL: Did you tell her that the attorneys
21 wanted the calendar?

22 THE WITNESS: At the time, I didn't know that the
23 attorneys wanted the calendar. All I knew at the time was
24 that the information was required. I didn't know --

25 JUDGE SIPPEL: Who, who gave you that instruction,

1 to get the information?

2 THE WITNESS: Counsel gave me the instructions to
3 get the information.

4 JUDGE SIPPEL: And it was to be gotten from
5 calendars?

6 THE WITNESS: Well, it was to be gotten in whatever
7 recordkeeping we had, which in that time was calendars.

8 JUDGE SIPPEL: Did you get any instruction from
9 counsel to retain the information that you assembled? That
10 is, the, the, the original of the information that you had
11 assembled. Did you have instructions for that?

12 THE WITNESS: It came to me, as I recall, after we
13 had assembled the information.

14 JUDGE SIPPEL: Go ahead.

15 BY MS. SCHMELTZER:

16 Q Ms. Barr, why did you ask your counsel in 1993 if
17 the term "documents" in the document production order referred
18 to handwritten notes?

19 A What, what are you referring to? When did I --

20 Q Do you recall asking your counsel in 1993 if the
21 term "document" in the document production request referred to
22 handwritten notes?

23 A I don't, I don't -- When did I --

24 MR. HOWARD: Your Honor, I object to the question as
25 going to the attorney/client privilege.

1 MS. SCHMELTZER: Let me refresh your recollection.

2 JUDGE SIPPEL: I'm going to sustain the objection.

3 Now, you can --

4 BY MS. SCHMELTZER:

5 Q During your deposition, I asked you some questions
6 about your response to the document production order and --

7 JUDGE SIPPEL: What page are you on?

8 MS. SCHMELTZER: We're on page 142, going over to
9 143.

10 BY MS. SCHMELTZER:

11 Q And this -- And you -- Actually, Mr. Goldstein asked
12 this question and you said, "The term 'documents' refers to
13 the original in each individual thing. I specifically asked
14 -- " And you were referring to your counsel there. "I
15 specifically asked if we had to produce the video tape copies
16 of everything because I didn't understand if we had to do that
17 or not. I specifically asked if this implied every document,
18 including handwritten notes and things of that nature."

19 A Um-hum.

20 Q Okay. Why did you ask your counsel in 1993 if the
21 term "documents" included handwritten notes?

22 MR. HOWARD: Again I object, Your Honor.
23 Attorney/client privilege. It goes to privileged
24 communication of counsel.

25 MS. SCHMELTZER: I'm not asking what she asked her

1 counsel.

2 JUDGE SIPPEL: Well, wait just a minute. Just a
3 minute. Well, she's -- If there is, if there is a privilege
4 to that, she's waived it. She answered this question and so
5 did she ask if this implied every document, including
6 handwritten notes. If, if the privilege was to be asserted,
7 it was at that time that it should have been asserted. Can
8 you answer the question? Do you know what her question is?

9 THE WITNESS: Yes. Yes.

10 BY MS. SCHMELTZER:

11 Q Why did you ask your counsel in 1993 if the term
12 "document" implied handwritten notes?

13 A I just wanted to make sure that I had given them
14 every single thing that they had asked for.

15 Q Well, did you have handwritten notes in your
16 possession in 1993?

17 A No, I was aware -- The only handwritten notes that I
18 was aware of other than, you know, for example, this morning
19 news document that you gave to me earlier, which are my
20 handwritten notes, was that Janet Covington had given me
21 handwritten notes. But I knew that I had not kept them. That
22 was probably the reason why I asked.

23 Q Okay. Why didn't you disclose that in response to
24 the document production order?

25 MR. HOWARD: I'm sorry, I don't understand that

1 question.

2 JUDGE SIPPEL: Well, I'll sustain the objection.
3 Let's get it -- It assumes two or three things.

4 MS. SCHMELTZER: Let me --

5 JUDGE SIPPEL: While you're looking through that,
6 again, I want to understand this. What I don't understand is
7 how you threw the notes away from Covington when you didn't
8 have Covington's diary and you were, you were working with,
9 with counsel to get this case ready for, for hearing. I don't
10 understand how you could throw those notes away without even
11 saying to somebody is it okay if I chuck these things because
12 of whatever reason.

13 I mean, everything else that you've done seems to
14 have been done with, with, with a reasonable amount of care
15 and, and, and attention to detail. I don't understand how you
16 did that.

17 THE WITNESS: Well, I -- Your Honor, I, I, I made
18 the assumption that I would be able to get Janet Covington's
19 calendar when and if I needed it. What, what I didn't know
20 was I didn't know how much time would elapse from the time
21 that I first began working on this to the date -- to the time
22 later on, which I believe was not until some time in 1993,
23 when counsel asked me for the original calendars. And at that
24 point, I called Janet Covington, who I had had much contact
25 with anyway, even after her retirement, and I said I need you

1 to pull out your calendar from 1991. And she said oh, I don't
2 know where it is, I need to go see if I can even find it.

3 And I said well, I really need you to find it
4 because you based all of your remembrances on that calendar.
5 And she went and looked for it, but she was never able to find
6 it. To the best of her knowledge, she did not keep it.

7 JUDGE SIPPEL: Well, then how did the notes get to
8 you? Or let me ask the question this way. On what did
9 Ms. Covington base the notes that she wrote up and gave to you
10 that you ultimately threw away?

11 THE WITNESS: They were based on her calendar, but
12 that was done much earlier than the time that I actually asked
13 her for her calendar. As I said before, the reason why she
14 didn't give me the actual calendar at the time that I was
15 putting this together is because her -- I know this sounds
16 preposterous, but her handwriting and her recordkeeping was
17 very unique and very difficult to decipher. And so she wrote
18 out for me in longhand what had transpired as far as her
19 ascertainment interviews during the relevant period and she
20 gave it to me in the form of these handwritten notes.

21 That was early in the summer of 1992 when I
22 requested that from her. She -- I don't, I don't recall ever
23 saying to her save your calendar for me. I don't recall that
24 I said save it and I don't recall that I said don't save it.

25 JUDGE SIPPEL: But when she said that she was going

1 to give you the handwritten notes and not the calendar, did
2 you ever think to transmit that information to the attorneys
3 to get some advice or some guidance or -- I mean, this sounds
4 like it was done in an awful loose way.

5 THE WITNESS: I don't -- I, I really don't, I really
6 don't think that I thought of that.

7 JUDGE SIPPEL: But you were careful about getting
8 the other documents -- I mean the other calendars.

9 THE WITNESS: Well, the other people worked at the
10 station, so it was a lot easier to get.

11 JUDGE SIPPEL: I, I, I understand what you're
12 saying, but it's, it's disturbing.

13 BY MS. SCHMELTZER:

14 Q Did you transmit a copy of Ms. Covington's
15 handwritten notes to your counsel?

16 A Not that I recall.

17 Q Did you -- Does Ms. Covington still have her
18 calendar?

19 A She can't find it. If she has it, she cannot find
20 it. She has looked for it on several occasions at my request
21 and she cannot locate it.

22 Q When did you ask her to look for it?

23 A I asked her to look for it -- I don't remember the
24 exact date. It was sometime I believe in early 1993 or late
25 1992. And then, at the request of counsel, I asked her to

1 look for it again prior to my -- prior to I think it was June
2 or July of this past summer. And she --

3 Q Why did you ask her to look for it in late 1992?

4 A Because I believe in preparing for this hearing
5 someone at that point, one of counsel, had asked me to make
6 sure I had these documents. And I -- Having realized at that
7 point that I didn't have her particular calendar, asked her to
8 look for it.

9 Q Wouldn't it have been useful to have her calendar
10 with her handwritten notes?

11 A It would have had she been willing to give it to me.
12 But, remember, she was not employed at the station at that
13 time. She's a very strong-willed individual and she handed me
14 these notes and told me that she needed to hand me the notes
15 because she really wasn't at that point comfortable with
16 giving me the calendar, because she said I'd never be able to
17 interpret it.

18 JUDGE SIPPEL: Well, it sounds to me that she --
19 that there was more to it than just not being able to read her
20 writing. She didn't want to give you her calendar.

21 THE WITNESS: No, I -- Well, I know Janet Covington
22 very well and I believe that, having worked with her and
23 having seen her handwriting and having seen the way she keeps
24 records, that it was probably that it would be very difficult
25 to read. She just -- She had her own system of organization.

1 She knew where everything was and she knew how to, how to
2 remember things, but that was her style and not, not one that
3 was easily identifiable to anybody else.

4 JUDGE SIPPEL: Were the notes that she did give you
5 that were later discarded, were they used to prepare the
6 format that the attorneys have instructed you on?

7 THE WITNESS: I used those notes to, to arrive at
8 some of the ascertainment interviews that are listed here.

9 JUDGE SIPPEL: Well, that's not quite my question.

10 THE WITNESS: Okay.

11 JUDGE SIPPEL: We went down this before and the
12 sequence of events was you got the calendars, the notes, and
13 then you put those in a format that the attorneys had asked
14 you to, to utilize.

15 THE WITNESS: That's correct.

16 JUDGE SIPPEL: And then from that formatted
17 information, the exhibit was prepared.

18 THE WITNESS: That's correct.

19 JUDGE SIPPEL: That's correct?

20 THE WITNESS: Um-hum.

21 JUDGE SIPPEL: All right. And that's my question.
22 Did you use her notes to prepare the next original document,
23 which would be the formatted thing that you prepared for the
24 attorneys?

25 THE WITNESS: The format was given to me by the

1 attorneys, so I used her notes to plug into the format.

2 JUDGE SIPPEL: All right. What I'm going to require
3 to be turned over, Mr. Howard, is that portion of the
4 formatted work product that has the Covington information.
5 Everything else can be masked.

6 MR. HOWARD: Provided to you, Your Honor, in camera?

7 JUDGE SIPPEL: No, I'm, I'm going to require that it
8 be turned over, because even if it is work product, I think
9 there's sufficient cause for it to be turned over. And it's
10 3:00 now. Is this readily available at your office?

11 MR. HOWARD: I'm frankly not certain, Your Honor.
12 I, I think so.

13 JUDGE SIPPEL: What, what I'd like to see done is
14 I'd like to see it given to, to Ms. Schmeltzer, at least
15 Ms. Schmeltzer, by some time -- by later this afternoon. I, I
16 don't want to put a time on it, but if you could get it to her
17 by 5:00, otherwise first thing tomorrow morning.

18 MR. HOWARD: Okay. I just don't know if we can go
19 -- We'll certainly try, Your Honor.

20 JUDGE SIPPEL: I understand. Well, I, I understand
21 you don't know. I'm saying what I'd like to see done, so that
22 this -- primarily, so that we don't detain the witness
23 unnecessarily, is to get it in Ms. Schmeltzer's hands as soon
24 as possible so that we can come back to this subject tomorrow.
25 I don't see anything else that you can, can do on this today,

1 Ms. Schmeltzer, do you? Do you have anything further on this?
2 You're going to start repeating the questions.

3 MS. SCHMELTZER: You mean on the -- on
4 Ms. Covington's notes? Maybe just one or two questions,
5 that's all.

6 JUDGE SIPPEL: All right. Let's, let's get that
7 done, and we can take a break and then move on.

8 BY MS. SCHMELTZER:

9 Q Ms., Ms. Barr, in Footnote 6 of your exhibit SH3-16
10 where you say, "It did not occur to me to preserve
11 Ms. Covington's handwritten notes," is there some reason that
12 the destruction of the handwritten notes was not disclosed in
13 response to the motion for production of documents?

14 A There was no reason, because I just didn't think it
15 was -- I just didn't think it was a relevant issue.

16 Q You didn't think that you had --

17 MR. HOWARD: Your Honor, I think, I think we did
18 disclose the -- that we did not have Ms. Covington's notes in
19 response to the production of documents.

20 MS. SCHMELTZER: Not until the direct case exhibit.

21 JUDGE SIPPEL: This was not disclosed until October?

22 MR. HOWARD: With respect to calendars, when we
23 responded and said that here are the calendars, it's my
24 recollection that there was identification of --

25 JUDGE SIPPEL: Well, I, I think --

1 MR. HOWARD: -- that we had the calendars but didn't
2 have certain ones from Ms. Covington.

3 JUDGE SIPPEL: I, I think it's best to leave this
4 and we'll come back to it tomorrow and you will have a chance
5 to --

6 MS. SCHMELTZER: Okay. Maybe we could --

7 JUDGE SIPPEL: -- to -- this through much more
8 carefully.

9 MS. SCHMELTZER: -- stipulate to that.

10 JUDGE SIPPEL: Well, it shouldn't have to be
11 stipulated to. This should be -- I know that, that counsel
12 exchanged a certain amount of correspondence anyway when you
13 were in the discovery phase and it may have showed up in one
14 of the letters, one of the cover letters. I, I don't have a
15 direct recollection as to when it first came to my attention,
16 so I don't want to, I don't want to factually confuse matters
17 by suggesting anything. Let's get this cleared up tomorrow
18 morning and, and move into another area.

19 It's, it's 3:00. We'll recess until 3:15 and we can
20 go a little bit past 4:00 today if, if, if it's okay with you.

21 THE WITNESS: Sure.

22 JUDGE SIPPEL: All right, we're in recess until
23 3:15.

24 (Whereupon, at 3:02 p.m., a brief recess was taken,
25 until 3:13 p.m.)

1 A Good morning.

2 Q I'd like to talk to you about the effort that you
3 went through in 1992 to document the interviews or the
4 ascertainment that was done in 1991. Okay?

5 A Okay.

6 Q Now, I take it you didn't have anything from anyone
7 at the station writing up a list of leaders that they had
8 contacted which included a list of issues that those leaders
9 had mentioned, did you?

10 A 1992?

11 Q Yeah. In 1992 did you have anything that reflected
12 ascertainment interviews, the leaders contacted and the issues
13 they discussed in -- from 1991?

14 A Not until I asked them for it. I did not have
15 anything prior to my gathering the information.

16 Q You didn't have any, you didn't have any
17 documentation that was contemporaneous with the May 30 to
18 September 3, 1991 renewal period listing leader, issues and
19 the person that conducted the interview? Correct?

20 A Other than the calendars, that's correct.

21 Q And the calendars, all that the calendars listed was
22 that a person had a meeting at 2:00 p.m. with -- the person at
23 the station had a meeting at 2:00 with another person?
24 Correct?

25 A That's correct.

1 Q You -- so you -- did you in 1992 ask Mr. Kleiner for
2 his calendar?

3 A Yes, I did.

4 Q And where was the calendar when you asked him for
5 it? Was that in his possession?

6 A It was kept in his office, yes.

7 Q So he gave you the calendar?

8 A Yes.

9 Q Did you ask Maria Velleggia for her calendar?

10 A Yes, I did.

11 Q And she gave you her calendar?

12 A She gave me a copy of her calendar.

13 Q Was Marie Velleggia working at the station for the
14 whole period from May 30, 1991 to September 3, 1991?

15 A Yes, she was.

16 Q When did she start working at WMAR-TV?

17 A She started before I got there and I got there in
18 1988, so she was there prior to that time.

19 Q And I gather you asked other staff for the -- did
20 you ask other staff for their calendars?

21 A Yes, I did.

22 Q But there was nothing in their calendars that you
23 used? Is that correct?

24 A The other people that I asked had not retained their
25 -- they were not in the habit of saving their past calendars.

1 Q And they didn't have any other documentation that
2 you could use? Is that correct?

3 A That's correct.

4 Q Now, once you gathered -- and did you call Janet
5 Covington in 1992?

6 A Yes, I did.

7 Q You asked for her calendar?

8 A Yes, I did.

9 Q And that was when she told you that you wouldn't be
10 able to read it so she would make some notes for you?

11 A Well, she first asked me why I wanted it and I
12 explained to her that I was looking for background information
13 on people she had done ascertainment interviews with and that
14 her calendar would, would -- I asked her if her calendar would
15 help her recollect who she had spoken with. She said yes, it
16 would and why don't -- she offered to make the notes for me.
17 She said why don't I, why don't I go through my calendar for
18 that four months and write down for you who I met with, when I
19 met with them and so forth?

20 Q Did you ever personally see Ms. Covington's
21 calendar?

22 A I have seen it in the past. I did not see it in
23 1992.

24 Q Do you know if Ms. Covington used anything other
25 than her calendar to make her notes?

1 A To the best of my knowledge, no.

2 Q Do you know if her calendar reflected any issues
3 that she had discussed with individual leaders?

4 A She had a general habit, as I recall, of writing
5 down not only the name of the person she was meeting with, but
6 writing down, for example, homelessness or Fuel Fund or, you
7 know, something that would to her signify what the meeting was
8 going to be about or what the general -- she didn't write down
9 long sentences. She would write key words.

10 Q But -- and you're basing that upon seeing her
11 calendar prior to 1991?

12 A Prior to -- during 1991 when she still worked at the
13 station.

14 Q You went in and looked at her calendar?

15 A Well, she and I -- her office was right next to mine
16 and we met several times a day every day. It was not unusual
17 for her to be sitting in my office with her calendar on her
18 lap opened up and discussing with me things that had been
19 going on, and I could see her calendar. It wasn't that I was
20 snooping.

21 Q But you weren't actually reading her calendar?

22 A No, but I, I -- it was not uncommon for me to be
23 looking at her calendar, either sitting side by side or across
24 from her.

25 Q So the notes that she gave you in -- to the best of

1 | your knowledge, the notes that she gave you in 1992 were
2 | things from her calendar? Correct?

3 | A Um-hum.

4 | Q Did she embellish upon that at all, do you know?

5 | A I assume -- I presume that she did because she,
6 | because she gave to me information with respect to who she met
7 | with and what they discussed.

8 | Q How, how bulky were these notes? How many pages
9 | approximately?

10 | A They were only maybe, as I recall, three legal-sized
11 | sheets of yellow paper on -- written on both sides.

12 | Q And this covered the period May 30, 1991 through
13 | what, through what date?

14 | A I believe it was September 30, 1991.

15 | Q Now, when you got all of this material together did
16 | you sit down with any other members of the station staff?

17 | A I sat down with Maria Velleggia personally and I sat
18 | down with Arnie Kleiner personally after getting their
19 | calendars. What I -- the way it worked was I first went
20 | through and organized by date what meetings had taken place,
21 | so I simply made a log for myself of --

22 | Q And you did that by going through your calendar, Mr.
23 | Kleiner's calendar, Ms. Velleggia's calendar?

24 | A Yes.

25 | Q Is that correct?

1 A And Ms. Covington's notes.

2 MS. SCHMELTZER: For the record, Your Honor, I think
3 it would be useful to have the other calendars in the record.
4 We have Ms. Barr's. I'd like to introduce Mr. Kleiner's and
5 Ms. Velleggia's.

6 JUDGE SIPPEL: Well, is it necessary to ask this
7 witness about those calendars or you just to introduce them?

8 MS. SCHMELTZER: Well, this is the material she
9 reviewed in putting together her attachment.

10 JUDGE SIPPEL: All right. Well, you want to
11 introduce them through her. I see.

12 MS. SCHMELTZER: Yeah.

13 JUDGE SIPPEL: Let's have them marked.

14 MS. SCHMELTZER: Okay. The first one has a black
15 cover, as you can see. This will be Four Jacks Exhibit 15, I
16 believe it is. Is that correct?

17 JUDGE SIPPEL: I'll tell you in a minute my count.
18 My count --

19 MS. SCHMELTZER: 16.

20 JUDGE SIPPEL: -- says this to be 16.

21 MS. SCHMELTZER: 16. And this is the 1991
22 Professional Appointments Calendar of Arnold J. Kleiner.

23 JUDGE SIPPEL: Okay. The reporter will so mark that
24 as 16 for identification.

25 (The document that was referred to as

1 Four Jacks Exhibit No. 16 was marked
2 for identification.)

3 MS. SCHMELTZER: This is the period -- Your Honor,
4 May 30 to September 30, 1991 is covered by this calendar. And
5 next I'd like to have marked for identification as Four Jacks
6 Exhibit 17 the 1991 Daily Planning Diary of -- it says
7 Velleggia-Tilley.

8 WITNESS: Yeah. That's two last names.

9 MS. SCHMELTZER: That this is the calendar of Maria
10 Velleggia.

11 JUDGE SIPPEL: All right. The reporter will so
12 identify that document. Mark it for identification as Exhibit
13 17.

14 (The document that was referred to as
15 Four Jacks Exhibit No. 17 was marked
16 for identification.

17 BY MS. SCHMELTZER:

18 Q All right. Now, Ms. Barr, with your calendar and
19 Mr. Kleiner's calendar, Ms. Velleggia's calendar, those are
20 the documents that you reviewed in 1992 along with --

21 A Along with the notes.

22 Q -- Ms. Covington's notes?

23 A Yes.

24 Q And what did you -- did you, did you have -- were
25 you the only person that worked on this exhibit or were there

1 other people at the station working on this exhibit?

2 A The other people who worked on the exhibit were the
3 people I spoke with, these people who, who belong to these
4 calendars, but I was the one who actually put the exhibit
5 together.

6 Q And when you say they worked on the exhibit, what
7 did they do?

8 A Well, I sat down with them and reviewed because I
9 didn't necessarily know what had been discussed in a
10 particular meeting so I sat down with each person and
11 literally went through day by day and said you had a meeting
12 with Norm Taylor from the United Way. Do you recall what that
13 meeting was about and so forth and so on, and we, and we
14 discussed it as such. And then I took notes and transcribed
15 those notes into the format that we have in the ascertainment
16 exhibit.

17 Q Now, did you sit down individually with Mr. Kleiner
18 and Ms. Velleggia and Ms. Covington or did you gather them all
19 together?

20 A No. I sat with them individually.

21 Q And what period of time -- over what period of time
22 did this occur?

23 A It was -- I don't recall exactly. Several weeks.

24 Q Did you have a format to use when you started this
25 process?